

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

\*

vs.

\*

CRIMINAL NO. MJG-11-0494

(Civil Action No. MJG-16-818)

DAVID HOWARD, ET AL.

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\* \* \* \* \*

MEMORANDUM AND ORDER

The Court has before it Defendant Howard's Motion Pursuant to 28 U.S.C. 2241; 2255(e) [ECF No. 370]. The Court finds that neither a response nor a hearing is necessary.

The motion is a successive motion under Section 2255. Title 28, Section 2255 (h) states:

(h) A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or  
(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

The instant motion has not been certified as required.

Accordingly, Defendant Howard's Motion Pursuant to 28 U.S.C. 2241; 2255(e) [ECF No. 370] is DENIED.

SO ORDERED, on Monday, March 21, 2016.

/s/

Marvin J. Garbis

United States District Judge